## IN THE SUPREME COURT OF THE STATE OF DELAWARE

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§	No. 400, 2011
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§	Court Below:
§	Superior Court of the
§	State of Delaware, in and
§	for New Castle County
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§	C.A. No. N09C-06-275
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Submitted: November 30, 2011 Decided: December 1, 2011

Before STEELE, Chief Justice, BERGER and RIDGELY, Justices.

## <u>ORDER</u>

This 1<sup>st</sup> day of December 2011, the Court, having considered this matter on the briefs of the parties, and having concluded that the same should be affirmed on the basis of and for the reasons assigned by the Superior Court in its decision of July 5, 2011;

NOW, THEREFORE, IT IS HEREBY ORDERED that the judgment of the Superior Court be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger Justice